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THE RESEARCH REVIEW

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The House Transportation Committee heard a presentation Tuesday on *SmartFIX40*, the Department of Transportation's accelerated construction project along I-40 in downtown Knoxville. As part of the project's final phase, a short section of the interstate between the James White Parkway and the Hall of Fame Drive exits will be closed for reconstruction for fourteen months beginning May 1st.

THE HOUSE RESEARCH DIVISION
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During Monday's session, Rep. Jimmy Eldridge joined honoree and drummer W. S. Holland and other musicians as they celebrated Rockabilly music, and the naming of a segment of U.S. Highway 45 "Rockabilly Highway." The designated segment runs from the city of Jackson through Madison, Chester and McNairy Counties to the TN/MS state line. Rep. Eldridge was the House sponsor of the bill.

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The Agriculture Committee met Tuesday to consider four bills on calendar.

The following bills were deferred one week:

HB 3874 (Fitzhugh) requires application for selling, distributing, or handling tobacco products to include the name and address of a resident agent and contact information for such agent.

HB 3715 (Bell) requires meat or milk from cloned animals and all food for human consumption that has been genetically altered or modified, including food containing food ingredients that have been genetically altered or modified, to be labeled as such and that notice be appropriately given to the public. Representative Bell decided that this subject is a federal issue and will change this bill into a house joint resolution at the next committee meeting. The joint resolution will create a study committee to investigate the potential to encourage locally grown foods, particularly locally grown organic foods and support farming located close to population centers in Tennessee.

HB 3662 (Niceley) broadens the definition of “qualified farmer or nurseryman” as it applies to such individuals being exempt from paying state and local sales tax on the retail purchase of certain tangible personal property.

HB 3668 (Niceley) enacts the “Amish and Mennonite Farm Protection Act of 2008,” which exempts from participation in any national animal identification program a person engaged in farm operations who does not receive state or federal farm subsidies or related funds and who does not participate in state or federal agriculture programs for the receipt of such subsidies or funds.

children & family affairs

Amelia Mitchell

The **Children & Family Affairs Committee** met on Wednesday, April 9th and considered the following legislation:

The following bills were referred to Calendar & Rules:

HB 1323 by Rep. West as amended requires employers to report to DHS certain identifying information regarding employment of subcontractors and independent contractors for child support purposes.

The following legislation was referred to Finance, Ways & Means:

HB 2960 by Rep. Richardson requires DCS to provide post custody services to children who are 18 years or older and who choose to remain in the care of DCS voluntarily in order to receive educational training or receiving other services.

HJR 1089 by Rep. Gilmore creates a joint study committee to study educational services that are provided to children detained in juvenile detention facilities.

The following bills were taken off notice:

HB 2619 by Rep. Gilmore includes juvenile detention facilities and community residential programs as special school districts under DCS. This bill also requires the Commissioner of DCS to report to the General Assembly detailing any information deemed essential to rate the effectiveness of the programs. This bill requires a child 18 years of age or older who is housed in a detention home or center for delinquent children to continue to be provided educational services.

HB 2908 by Rep. Sherry Jones creates the Department of Juvenile Justice and transfers all programs and services related to children adjudicated delinquent or unruly from DCS.

The following bills were deferred one week:

HB 2883 by Rep. DuBois defines “de facto custodian” as an individual who proves that he or she has been the primary caregiver and financial supporter of a child under certain circumstances. An individual

may petition the court to be declared a de facto custodian and may be awarded full or joint custody if certain standards and procedures are met.

HB 2820 by Rep. Sherry Jones requires that a Guardian ad litem be appointed for a child during all stages of a contested termination or adoption matter and requires all proceedings of such to be confidential unless the confidentiality is waived by both parties. This bill also grants the court the authority to make a default finding in accordance with the Tennessee Rules of Civil Procedure when a verified answer by all parties in a termination of parental rights is not filed.

HB 2905 by Rep. Sherry Jones as amended sets up a board to oversee court reporter fees and have an entity to over see court reporters

Commerce passed six bills out on Tuesday during its full committee meeting.



Rep. Tidwell

HB 2118 (Tidwell) as amended creates the “Soil Scientist Licensure Act of 2008”. It outlines the criteria for becoming a licensed soil scientist. In addition, this legislation establishes the Soil Science Advisory Committee, which would be comprised of five members and will be administratively attached to the Registered Land Surveyors Board

within the Department of Commerce and Insurance. The Soil Science Advisory Committee would oversee all rulemaking as well as setting the amount of fees in association with this profession. The amendment clarifies that land surveyors are exempt from this legislation. A second amendment was adopted that also exempts anyone working for the federal or state government or a business that is not engaged in the practice of soil science and performs soil science services only as part of their job and receives no compensation for those services.

[passed to Finance, Ways, & Means]

HB 3611 (Turner L) changes the definition of trustee under the “Tennessee Prepaid Funeral Benefits Act” to include certified public accountants. An amendment was adopted to grandfather in certified public accountants to act as trustees until July 1, 2011.

[passed to Calendar & Rules]

HB 3779 (Sargent) as amended would prohibit health insurance carriers from requiring notice of a hospital admission within a period that is less than one business day if it would require notification on a weekend or federal holiday. For instance, if a patient is admitted on a Saturday, then the hospital would have until Monday to notify the insurance carrier.

[passed to Finance, Ways, & Means]

HB 3883 (Shepard) as amended would add the National Committee for Quality Assurance as an organization that could accredit utilization review agents. Currently, utilization review agents must meet state standards unless they are accredited by the Utilization Review Accreditation Commission.
[passed to Calendar & Rules]

HB 4127 (Cobb C) allows a credit union to convert their charter in order to do business as another type of financial institution. Federal law already allows this, but by streamlining the process in state law this legislation will keep more banks in the state banking system. An amendment was adopted that requires that a plan of conversion by a credit union be approved in accordance with the membership approval process for a federally-insured credit union, to the extent such membership approval is applicable. This amendment also clarifies that rules must be promulgated in accordance with the Uniform Administrative Procedures Act.
[passed to Government Operations]

HB 1421 (McDaniel) is better known as the Competitive Cable & Video Services Act.” The committee had an extensive review of the latest amendment by Comptroller John Morgan throughout the day on Tuesday. Here is a summary:

Promoting cable TV competition and consumer choice in Tennessee

- Effective 7/1/08, new competitors can obtain a 10-year state franchise certificate from the Tennessee Regulatory Authority.
- New large telecom competitors (AT&T) must buildout to 30% of their existing service area in 3.5 years. There are penalties if the company fails to meet these requirements.

Preserving local government revenue and authority

- Existing providers must continue to pay local franchise fees directly to local governments.
- New competitors operating under a state franchise must directly pay local governments franchise fees of 5% quarterly.
- Preserves local regulation of rights-of-way with local permitting protected.

Prohibits discrimination or cherry-picking

- Bill specifically prohibits discrimination based on income or race, violators face strong monetary penalties. The penalties are \$5,000 per household with no cap.
- Promotes the use of minority contractors to provide competitive video.
- Existing cable companies can't abandon unprofitable areas.
- New providers must demonstrate at the end of 3.5 years that 25% of households with access to the service are low income.

Promoting the expansion of high speed broadband to underserved areas

- Video providers that deploy broadband in new areas get credit against their video build out requirement to this extent: 4 to 1 credit for broadband expansion to UNserved areas and a 2 to 1 credit for broadband expansion to UNDERserved areas.
- A broadband deployment fund is created to provide a potential mechanism for expanding broadband access.
- Local governments may subsidize broadband deployment to underserved areas if a TRA review determines no private sector interest exists.

Protecting consumer service

- All providers must meet FCC mandated customer service standards.
- TRA can require credits if provider does not remedy service complaints.

Protecting Public, Education and Government (PEG) programming

- Existing and new competitors must continue to provide PEG access and support.

[passed to Finance, Ways, & Means]

The following bills *were rolled for one week:*

HB 2528 (Turner M)

HB 3452 (Baird)

HB 3959 (Curtiss) *was taken off notice.*

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday and passed four bills to the full committee. The subcommittee concluded its business and is closed subject to the call of the chair.

HB 2624 (Hardaway) as amended would require a purchaser of a burial plot to initial the portion of the contract where it is disclosed that the purchaser has a right to record a copy of the proof of ownership of the burial plot with the register of deeds. This would serve as notice that the purchaser was made aware of this right.

[passed to full committee]

HB 2757

(Hackworth) as amended creates a special joint committee to study the issues of energy efficiency in residential and small commercial buildings.

[passed to full committee]

HB 3330 (Brown)

creates a six-member special joint study committee on home loan foreclosures.

[passed to full committee]



Rep. Hackworth

HB 4020 (Bone) allows the auction of large industrial/commercial trucks without a motor vehicle dealer license. The auction facility must be specific requirements: sell large construction equipment at auction, motor vehicle sales constitute less than 15% of total sales, maintain regular staff, has permanent facility, has titles of all vehicles to be sold, and conducts no more than 5 auctions per year. The vehicles must weigh in excess of 10,000 lbs. or less than 10,000 lbs. if the vehicle was used in the construction, common carrier or transportation-related business hauling freight.

[passed to the full committee]

The subcommittee heard testimony from various parties on **HB 1984 (Turner L)** regarding changes to the title pledge industry. Most notably was Johnnie R. Turner, wife of Deputy Speaker Larry Turner. Mrs. Turner, a member of the Memphis/Shelby County Anti-Predatory Lending Coalition, testified that by reducing the fees, there would be sharp reduction in what the consumer pays. She emphasized that many people become victims because they are overwhelmed when trying to repay a title loan. The subcommittee also heard testimony from

the industry that cautioned against changing the fees because the result could be devastating. After much deliberation, the bill was referred to a summer study committee.

[referred to summer study]

The following bills were *taken off notice*:

HB 3258 (Shaw)

HB 4180 (Mumpower)

HB 3839 (Turner M)

HB 2149 (Curtiss)

HB 1322 (West) failed by a voice vote.

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Wednesday and passed five bills to the full committee. The subcommittee concluded its business and is closed subject to the call of the chair.

HB 3888 (Maggart) clarifies that the consumer member of the state licensing board for contractors does not have any ties to the construction industry. An amendment was adopted that defines “significant financial interest” as more than 10% of the person’s gross income or 50% if the person is over the age of 60 and is receiving retirement benefits.

[passed to full committee]

HB 3019 (Campfield) prohibits buildings from being treated as schools when the primary purpose of the building is not for educational activities. Rep. Campfield



Rep. Campfield

worked with the Department of Commerce & Insurance to present an amendment that narrowly defines educational occupants and restricts local governments from having more stringent regulations than those adopted by the state fire marshal.

[passed to full committee]

HB 4203 (Gilmore) makes various changes to the

Tennessee Insurance Producer Licensing Act. It adds specific acts that are considered unfair trade practices. The amendment caps the amount for referrals to \$25, allows nonresident applicants if their state practices reciprocity, and exempts those that have been continuously licensed since 1994 from continuing education. Also, an unauthorized seller commits a fraudulent insurance act.

[passed to full committee]

HB 3602 (McManus) as amended authorizes the Department of Commerce & Insurance to develop a process to resolve disputes regarding the interpretation and application of building and construction safety standards that may arise during the review of plans or inspection of construction by the department.

[passed to the full committee]

HB 4207 (Favors) is referred to as the “Tennessee Unfair Trade Practices and Unfair Claims Settlement Act of 2009.” This is the most significant change to these laws since 1981. This legislation will give the Department of Commerce & Insurance more authority to take regulatory actions to properly regulate Tennessee’s insurance markets. It increases the penalties to make the penalties more meaningful if an insurer violates this Act. Current laws are insufficient for the Department to handle recent high-profile issues. These issues were only resolved because the companies involved consented to an agreed upon regulatory settlement agreement.

[passed to full committee]

The following bills were *taken off notice*:

HB 2340 (Shaw)

HB 3477 (Curtiss)

HB 3214 (Cobb C)

The following bills were *rolled to 2009*:

HB 2519 (Turner M)

HB 602 (Turner M)

HB 2470 (Jones S)

HB 3371 (Cobb C)

HB 2605 & HB 2607 (Hardaway) were both *rolled until July 2010*.

conservation & environment

Jeremy Maxwell

The Conservation and Environment Committee met Wednesday to consider twelve bills on calendar:

The following bills were referred to Calendar and Rules:

HB 3708 (Brooks, K), as amended, requires department of environment and conservation to provide evidence that water that is the subject of a complaint is water that affects groundwater quality. The amendment states that if the complaint arises from an alleged act that would constitute a violation of this part because the act impacted, or may reasonably expect to impact, ground water quality or recharge, then the complaint shall specify the source of such ground water.

HB 3775 (Windle) exempts persons applying for oil and gas well permits from provision of law requiring governmental entities to notify interested persons of proposed projects or actions prior to issuing such permits.



Rep. West

authorizing the Tennessee Wildlife Resources Commission to change the expiration date of the hunters apprentice license from the end of the license year to a period of one year from the date of issuance. The original bill increases criminal penalty for taking wildlife without a license from Class C misdemeanor to Class B misdemeanor and states that the minimum fine imposed

HB 1300 (West), as amended, deletes the original bill in its entirety. The amended bill prohibits officials in Davidson County from denying the issuance of septic tank permits in certain situations. The provisions of the bill will cease to be effective June 30, 2009.

HB 1148 (Buck, McCord), as amended, adds language to the bill

for a conviction of computer-assisted remote hunting is \$200.

HB 3895 (Gilmore) exempts the Department of Environment and Conservation from notification requirements pursuant to Tenn. Code Ann. § 4-29-120 when such notification pertains to applicants or appellants for subsurface sewage disposal system permits.

The following bill was referred to Finance, Ways and Means as amended:

HB 1921 (Rinks, Harrison) requires boat titling in state of Tennessee. The amendment directs the Commissioner of Revenue to conduct a comprehensive study on the issue of watercraft titling in Tennessee. Such study shall include, but not be limited to, the prospective implementation of a watercraft titling process in the department and the costs thereof. The Commissioner shall submit a written report of the department findings to the House and Senate Conservation Committees and to the House and Senate Finance, Ways and Means Committees on or before February 1, 2009.



Rep. Rinks

The following bill was referred to Government Operations as amended:

HB 4198 (McDonald) rewrites the bill enacting the “Tennessee Non-Coal Surface Mining Law” and makes minor technical modifications to the original version. It includes a sample agreement to be entered into by persons engaging in rock harvesting that is to be signed by the land owner and the harvester. Such would allow rock harvesting without placing the harvester under the oversight provided by this bill. The amended bill also

requires the department not to begin the process of promulgating any rules regulating rock harvesting prior to July 1, 2009.

The following bills were deferred one week:

HB 3339 (Matheny)

HR 255 (Turner, M)

HJR 781 (DuBois)

HB 3072 (McCord)

HB 4185 (McCord)

Environment Subcommittee

The Environment Subcommittee met before the full committee on Wednesday to consider two bills.

The following bill was referred to full committee as amended:

HJR 1103 (Yokley) requests North Carolina Division of Water Quality to hold water quality hearing regarding the renewal NPDES permit of the Blue Ridge Paper Products NPDES permit in Waynesville or Canton, North Carolina or Newport, Tennessee. It also requests the North Carolina Division of Water Quality and the North Carolina Environmental Management Commission to fully adopt the recommendations of the Technical Review Workgroup, and urges the U.S. Environmental Protection Agency to continue to participate and provide support the Technical Review Workgroup. It urges the appropriate state agencies to use any and all necessary authority to negotiate upcoming renewal of such permit, or otherwise take action to protect Pigeon River from ongoing degradation that prevents such river from fulfilling all of its designated uses.

The following bill failed for lack of second:

HB 3521 (Buck) authorizes the Commissioner of the Department of Environment and Conservation to issue stop work orders for violations of the Water Quality Control Act or for activities that threaten public safety.

consumer & employee affairs

Lucy Wilson

Passed full committee; ref to Government Operations:

HB 3170 by Buck is rewritten by the amendment passed with the bill. The bill as amended requires the employer to provide a panel of three physicians and, in the event the employee requires surgery as a result of an injury, a panel of three surgeons from which to choose.

Passed full committee; ref to Calendar and Rules:

HB 3929 by Hood requires the Department of Labor and Workforce Development to preserve the confidentiality of the identity of the person or entity who files a complaint regarding employment of illegal aliens. As amended, that information held confidential may be discovered by subpoena from a court of record.

An individual is exempt from the confidentiality requirement when he/she consents in writing to disclosure, or when the information is subpoenaed in a contested case hearing. This amendment also defines "personal identifying information."



Rep. Towns

punishable through civil penalties, private rights of action and as a Class B misdemeanor.

HB 4153 by Ferguson requires health clubs to post a bond of \$25,000 with the Department of Commerce and Insurance. The bond must be maintained for two years

HB 4044 by Towns makes it illegal under the Tennessee Consumer Protection Act of 1977 to engage in the business of operating private parking services and using a device, such as a boot, to immobilize a vehicle for unauthorized parking, charging a fee for such device's removal and refusing to allow choice of payment options. Violations are

following the date on which the health club closes. In an action brought by the Attorney General for a violation of the Tennessee Consumer Protection Act, the Attorney General may request that the total amount of the bond posted by the health club be awarded to the state for consumer restitution.

An amendment passed with the bill exempts clubs from the required surety bond when the club has 7+ years of maintaining a satisfactory registration with the Division. Also, a current financial statement showing a financial net worth of \$10 mil may replace the surety bond. If/when the club becomes ineligible for this exemption, the owners must report that status to the Division and post a surety bond.

HJR 1006 by Ferguson urges retirement benefit adjustments for retired United States Department of Energy Oak Ridge prime contractor employees. An amendment to the bill adds Unicoi, Union, Claiborne, Rhea, Campbell, Scott, and Morgan to Anderson, Knox, Roane and Loudon as being counties which rely on these retirees for their overall prosperity.

Rolled one week to the April 15, 2008 calendar:

HB 3848 by Mumpower
HB 3807 by Lollar
HB 3834 by Johnson P
HB 3180 by DeBerry J
HB 3763 by Moore
HB 3006 by Turner M
HJR 765 by Turner M

Taken Off Notice:

HB 2522 by Turner M
HB 2852 by Maddox

Employee Affairs Subcommittee

The subcommittee heard 5 bills and passed 4 of those bills to the full committee.

Pass to full committee without amendments:

HB 4160 by Ferguson authorizes employers to apply for an exemption from the Workers' compensation Act

when employees provide a written statement identifying them as members of a religious sect that is opposed to accepting public benefits of private insurance.

HB 3170 by Fitzhugh excludes from workers compensation benefits employees who are injured during recreational activities, when the activities are not required by the employer and are not a benefit to the employer.

HB 3783 by Hackworth authorizes the workers' compensation medical report to be given to an employee's family if the employee consents or is incapacitated.

Taken Off Notice:

HB 4140 by McDonald which would authorize the Commissioner of Labor and Workforce Development to

reduce penalties in certain circumstances was taken off notice.

This committee is now closed subject to the call of the Chair.



Chairman McDonald

**Consumer Affairs
Subcommittee**

This committee is closed subject to the call of the Chair.



Chairman Winningham

The House Education Committee met on Wednesday. The first item on the agenda was **HB 4039 – (Winningham)**. This bill enacts the “Energy Efficient Schools Initiative (EESI) of 2008”. The legislation would create an energy conservation program to provide efficient, perpetual, and sustainable use of lottery reserve dollars for capital projects to

ensure that reserve money is not depleted.

The committee heard from the following on this bill:

- Speaker Jimmy Naifeh
- Patrick Smith, Governor’s Office
- John Morgan and Kevin Krushenski, Comptroller’s Office
- Billy Stair, Oak Ridge National Lab
- Betsy Child, Former Commissioner, TDEC, and President, Geothermal Utilities
- Robert McAllister, Director of Energy Management and HVAC Specialist, Sumner County Schools
- Steve Morrow, TVA Senior Product Manager
- Don Johnson, David Lipscomb - Sustainable Design Specialist
- Alex Tapia, Program Manager – Southeast Energy Efficiency Alliance

Action on the committee calendar follows.

Referred to Calendar & Rules:

HJR 932 – (Dunn) urges the department of education to develop lesson plans for parents in conjunction with the Books from Birth program.

Referred to Calendar & Rules, if amended:

HB 3418 – (Shaw) as amended, rewrites the bill to authorize education agencies to adopt rules to prohibit activities of criminal gangs on school property. Students in grades six through twelve (6-12) are prohibit from wearing any type of clothing that denotes membership or affiliation with a criminal gang; activity that encourages involvement in a

criminal gang; and any conduct that is seriously disruptive to the education process or endangers persons or property. A local law enforcement agency , if requested, may advise the local board of criminal gangs and gang activity. The bill defines the term criminal gang. LEAs, with local law enforcement, are to annually evaluate the threat by gangs. If a substantial threat is found, the LEA shall institute gang awareness education for elementary and middle school students to be taught by a certified school counselor. The department of education shall assist LEAs in development of curricula.

HB 4169 – (Gilmore) as amended, rewrites the bill to create a two-year pilot initiative as to class size in career and technical education classes for Metro Nashville public schools. Extension of class size shall be granted by the commissioner of education. The department of education will convene a committee to review the two-year pilot. Committee recommendations shall be submitted to the speakers of both houses, the chairs of the education committees of both houses and the BEP review committee by January 1, 2010.

Referred to Finance, Ways & Means, if amended:

HB 2779 – (Cooper) rewrites the bill to require all public schools, kindergarten through eight (K-8), include art and music education. Local boards of education are encouraged to fully implement state board of education curriculum in art and music.



Rep. Shaw

HB 3268 – (Maddox) authorizes volunteer school personnel to administer anti-seizure medications to students in emergency situations. This action is to comply with a student’s health plan. Volunteers are to be trained by a registered nurse. A student’s parent or guardian, in accordance with the student’s IHP, shall notify the school administrator or school nurse if anti-seizure medication, a prescription, or over-the counter medicines are administered when a student is not at school. The IHP shall specify the requirements of reporting administration of medication and the dissemination of such information to volunteer school personnel trained to administer the medication. This information shall be given after administration of medication before or at the beginning of the next school day the student attends.

HB 2471 – (Jones, S.) rewrites the bill to address restraint and isolation that may be imposed upon special education students. The bill directs the state board of education, in consultation with the departments of children’s services, mental health and developmental disabilities, and education, to promulgate rules and regulations as to use of isolation and restraint.

Deferred 1 week:

HB 4039 – (Winningham)

HB 4212 – (Winningham)

HB 2418 – (Winningham)

HB 9 – (Hawk)

HB 4179 – (Maddox)

HB 2065 – (Maddox)

HB 4130 – (Winningham)

HB 3120 – (Overbey)

HB 653 – (Winningham)

HB 4210 – (Winningham)

HB 3488 – (Winningham)

HB 3478 – (Winningham)

HB 3742 – (Winningham)

HB 2859 – (Winningham)

HB 4029 – (Harwell)

HB 3278 – (Maddox)

HB 4003 – (Jones, U.)

HB 2971 – (Winningham)

HB 2524 – (Turner, M.)

HB 3057 – (Winningham)

HB 3251 – (Coley)

HB 3319 – (Brown)

HB 3780 – (Winningham)

HB 4088 – (Maddox)

HB 2651 – (Hackworth)

HB 4095 – (Coley)

HB 3280 – (Maddox)

HB 3123 – (Cooper)

HB 4016 – (Armstrong)

Taken off Notice:

HB 1475 – (Fitzhugh)

HB 2642 – (Hardaway)

HB 3685 – (Brooks, H.)

HB 3458 – (Litz)

HB 3703 – (Brooks, K.)

HB 3794 – (Johnson, C.)

HB 4071 – (Johnson, C.)

Higher Ed Subcommittee

The Higher Ed Subcommittee is closed.

K-12 Subcommittee

The K-12 Subcommittee met on Tuesday and took the following actions.

Referred to Full Committee:

HB 2176 – (Winningham) requires extension of contract for director of schools to be the first item on a board’s agenda and changes the notice for such from ten (10) to fifteen (15) days.

HB 4004 – (Jones, U.) allows public charter school teachers to participate in the state group insurance plan or one provided by the charter school.

Deferred 1 week:

HB 344 – (Winningham)

HB 3935 – (Montgomery)

HB 4002 – (Jones, U.)

HB 4059 – (Jones, U.)

HB 3189 – (Hardaway)

HB 4052 – (Towns)

HB 1872 – (Hawk)

HB 3073 – (McCord)

HB 4089 – (Maddox)

HB 2956 – (Harwell)

HB 3076 – (McCord)

HB 3074 – (McCord)

Failed in Committee:

HB 661 – (Hill) sets criteria for re-establishing election of office of school superintendent.

HB 3125 – (Montgomery) as amended, requires the school starting date be no earlier than August 15.

Taken off Notice:

HB 476 – (Loller)

HB 1438 – (DeBerry, J.)
HB 562 – (Todd)
HB 948 – (Winningham)
HB 1098 – (Buck)
HB 3773 – (Maddox)
HB 3774 – (Hawk)
HB 4018 – (Montgomery)
HB 2756 – (Gresham)

Special Initiatives

The Special Initiatives Subcommittee met Wednesday and took the following actions.



Sp. Initiatives Chair Windle

education institutions operating in the state to annually provide THEC: total enrollment and number of graduates; list of programs offered with enrollment in each program and number of graduates for each location where program is offered; job placement with students included in report for fiscal year the student graduated and for following year; percentage of student body that are Tennessee residents; and the number of students by age brackets, race and gender. Such institutions shall place on their website job placement data with percentage of graduates obtaining or continuing in jobs in their field of study in the twelve (12) months preceding the last reauthorization cycle to the institution. If an institution is on limited or restricted authorization, an addendum to any enrollment contract shall be made; entitled “Notice of Conditional or Limited Authorization”; and shall be signed and dated by the student. If an institution has been placed on conditional or probationary authorization to operate, the statement shall explicitly set forth standards the institution failed to meet.

Taken off Notice:

HB 3425 – (Odom)
HB 3426 – (Odom)
HB 3428 – (Odom)
HB 3429 – (Odom)

The Special Initiatives Subcommittee is closed subject to the call of the Chair.

finance, ways & means

Julie Travis & Patrick Boggs

On Tuesday, April 8th, the full Finance Committee met



Chairman Fitzhugh

and considered eighteen bills and the actions are as follows:

Bills Referred to Calendar & Rules:

HB 2424

(Hardaway) – This bill permits Shelby County and its municipalities to give properties seized for back taxes to non-profits to develop affordable housing even if the non-profits do not pay back taxes on the properties.

HB 2568 (Curtiss) - This legislation forbids former governors or former members of the General Assembly from receiving health insurance benefits if the official is convicted of a felony related to malfeasance in office out arising out of conduct committed while in office.

HB 2911 (S. Jones) – This bill, as rewritten by the committee, makes an escape or attempted escape by a juvenile from a specified place of detention, that is not considered a “secure detention facility” as defined by the current law, a misdemeanor offense if such an escape or attempted escape is committed by an “adult.” Otherwise, such an escape or attempted escape by an adjudicated juvenile delinquent from a non-secure facility, who is *not* considered to be an adult, would be subject to the current offense of “escape or attempted escape by a juvenile delinquent.” Such non-secure detention facilities where the act of an, or attempt to, escape by an adjudicated juvenile delinquent would be considered such an offense include: licensed foster homes, licensed child care agencies, and detention homes or centers for delinquent children “escape or attempted escape from a non-secure detention facility.” Also, the bill, as amended, states that a petition may be filed in juvenile court within the county that the alleged offense occurred if such allegations of the petition are sustained.

HB 2966 (Hardaway) – This bill names U.S. 78 in Shelby County the “Rosa Parks Memorial Highway.” The committee amended the bill to require the City of Memphis to pay for the erection of the signage within one year of the effective date of the bill if such signs are to be installed.

HB 2994 (Overbey) – This bill raises the minimum age to fifteen (15) years of age that a teenager must be to obtain an M-limited motorcycle license to operate a motorcycle.

HB 3772 (McCord) – This bill creates a bill of rights for water pollution control permit applicants.

HB 3915 (Rinks) – This bill requires public and private institutions of higher education in the state to take reasonable attempts to prevent copyright infringement over computer networks at their respective schools.

HB 3943 (Lynn) – This bill requires LEAs to grant teachers up to ten days of leave to visit a spouse, child, or parent who has been deployed on military duty out of the country and is on R&R leave.

HB 4041 (Moore) – This bill requires the State Building Commission to adopt the Green Globes standard, and requires at least two Green Globes on new state construction. The committee adopted an amendment that corrects typos in the printed bill.

HB 4184 (McCord) – This bill requires the Department of Environment and Conservation to report certain information to the General Assembly. Such pertinent information required to be submitted by January 31st of each year includes enforcement orders, directors’ orders, Commissioner’s orders, final orders, consent orders, complaints, permit applications, the length of time between receiving a permit application and notification that the application is complete, the length of time between the date of application for permit and the grant or denial of such permit, and the status of the implementation of a secure web portal for the submittal of online permit applications.

HJR 336 (Maddox) – This resolution will name a bridge on S.R. 840 in memory of Sgt. Dustin D. Laird who was killed in action while serving in Iraq. The

cost of such signage shall be funded in accordance with TCA §54-1-133.

HJR 737 (Gilmore) – This resolution urges Congress to adopt mandatory full funding of the Department of Veterans’ Affairs in order to provide quality and accessible healthcare to our nation’s veterans..

HJR 927 (Windle) – This resolution names a segment of U.S. 127 in Fentress County the “Edward (Dooley) Hood Memorial Highway.” Fentress County must reimburse the state for the cost of the signage if such memorializing signs are to be made and installed.

HB 1645 (Mumpower) – This bill, with an amendment rewriting it, requires any person engaged in the construction industry to carry workers’ compensation insurance. Sole proprietors or partners would not be subject to this law, unless they are working in a contractor/subcontractor relationship. A severability clause is included within the language of the bill, as amended in the Finance Committee.

Bills Rolled One Week:

HB 2740 (Hardaway)
HB 3147 (J. DeBerry)
HB 3867 (Hood)
HB 3940 (Lynn)

Budget Subcommittee

The Budget Subcommittee met on Wednesday, April 9th, and considered fifty-seven bills on its calendar and



Chairman Tindell

government that is authorized to offer fee-for-service

addendum. The results are as follows:

Bills Referred to the Full Committee:

HB 3405 (Watson) – This bill allows a utility district to offer service to customers in adjoining areas under certain circumstances.

HB 3098 (Curtiss) – This bill, as amended by the subcommittee, requires each agency within state

contracts to report on such contracts to the Fiscal Review Committee of the legislature.

HJR 1014 (Coley) – This resolution urges the U.S. Congress to alter the federal tax code so as to make all unreimbursed medical expenses tax deductible.

HB 3638 (Coleman) – This bill rewrites the jury duty provisions in state law. An amendment was adopted by the subcommittee to exempt Knox County from the provisions of the bill pertaining to jury commissioners.

HB 3610 (L. Turner) – This legislation authorizes the issuance of disabled driver placards to rental customers who need one. Placards are only to be issued for vehicles permanently equipped with a wheelchair ramp or lift. The number of placards issued to a driver may not exceed the number of vehicles owned or operated for the purpose of providing such motor vehicle rentals to disabled clients. The bill, as amended in House Transportation, also states that the use of a placard for any other purpose is grounds for forfeiture of the placard and is punishable as a Class B misdemeanor by a fine of \$200.

HB 3233 (Shepard) – This bill increases penalties for certain violations related to the “move-over law.”

HB 3743 (McCormick) – This bill creates licensing requirements with the Tennessee Board for Licensing Contractors for persons who reside in a state that does not provide reciprocity for Tennessee residents in the same situation.

HB 3285 (Maddox) – This bill requires applicants to a qualified teacher training program to submit to a TBI and FBI background check; if the results of the check indicate a criminal conviction, then an automatic revocation of a teacher’s license would occur.

HB 2855 (S. Jones) – This bill revises various fees charged by county clerks.

HB 3633 (Favors) – This bill defines “Level II office based surgery.” It establishes licensure requirements and adverse event reporting requirements for performers of Level II office based surgery.

HB 2750 (Dunn) – This bill authorizes a pilot project in Knox County whereby members of a governing body are allowed to, with ample notice, use an internet chat room to conduct communications regarding official business.

Bills Rolled One Week:

HB 3301 (Vaughn)
HB 3297 (Vaughn)
HB 679 (M. Turner)
HB 2572 (M. Turner)
HB 2723 (Richardson)
HB 4213 (Coleman) with Budget Sub. Amdt. #1
HB 2801 (Buck)
HJR 946 (Tidwell)
HB 3441 (Rinks)
HB 3449 (Rinks)
HB 3846 (Mumpower)
HB 3059 (Lundberg)
HB 2438 (Kelsey)
HB 3197 (S. Jones) with Budget Sub. Amdt. #1
HB 2937 (Harmon)
HB 2742 (Hardaway)
HB 3727 (Fitzhugh)
HB 3810 (Fitzhugh)
HB 3270 (C. Cobb)
HB 2679 (Casada)
HB 4011 (Armstrong)
HB 3362 (Fitzhugh)

Bills Rolled Two Weeks:

HB 4079 (Litz, Hawk)

Bills Rolled Three Weeks:

HB 2571 (Curtiss)
HB 801 (Hackworth) with Budget Sub. Amdt. #1

Bills Rolled to the Calendar on Election Issues:

HB 3687 (Tindell)
HB 1895 (Rinks)

Bills Rolled to the Study Committee Subcommittee:

HJR 909 (Maddox)

Bills Placed Behind the Budget:

HB 2500 (Odom)
HB 2958 (J. DeBerry)
HB 3964 (Curtiss) (to be grouped with other tuition discount & scholarship bills)
HB 3200 (Coleman)
HB 4106 (Bass)
HB 2776 (Baird)
HB 2973 (Winningham)
HB 2816 (McDonald)
HB 2943 (McCormick) (to be grouped with other tuition discount & scholarship bills)
HB 2794 (Harwell)
HB 3211 (Gilmore)
HB 852 (Eldridge)

Bills Placed on the Behind the Budget Sign Calendar:

HB 2495 (Fincher)

Bills Taken Off-Notice:

HB 2835 (Shepard)
HB 4000 (Hackworth)
HB 583 (DuBois)
HB 2951 (McCormick)

Bills Failed for Lack of Motion:

HB 3891 (Gresham)

government operations

Kristina Ryan

The House Government Operations Committee met on Wednesday morning to consider fifteen pieces of legislation. Fourteen bills on the calendar were in committee for review for other standing committees and the remaining bill was a sunset bill.

The following bills were rolled for one week:

HB 1420 (Harwell)
HB 1623 (Overbey)
HB 3647 (M. Turner)

The following bills were moved to the last calendar:

HB 3191 (Hardaway)
HB 2965 (Hardaway)

The Committee reviewed and referred **HB 4158 by Representative Pitts** to Calendar and Rules. Known as the “Tennessee Charitable Gift Annuity Act of 2008”, this legislation revises the statutes regarding charitable gift annuities. The Commissioner of Commerce and Insurance would be required to promulgate rules in order to enforce the provisions of this bill.

HB 4066 by Representative Curtiss was reviewed and referred to the Finance, Ways and Means Committee. This bill authorizes the Department of Commerce and Insurance to promulgate rules to allow small employers join together in health cooperatives.



Rep. Pitts

HB 3802 by Representative Pitts was reviewed and referred to the Finance, Ways and Means Committee. The bill, as amended, would rename the Social Worker Certification and Licensure Board to the Board of Social Worker Licensure and increase its membership to eleven members. This Board would be administratively

attached to the Division of Health Related Boards. In addition, this legislation would revise licensure requirements for the practice of baccalaureate social work, licensed master’s social worker, licensed advanced practice social workers and independent licensed clinical social worker. The Board would be delegated rulemaking authority.

The committee reviewed and referred **HB 4200 by Representative Shepard** to the Finance, Ways and Means Committee. This administration bill creates an eight member Tennessee Medical Examiner Advisory Council that would develop guidelines for death investigations and forensic autopsies, as well as establishing fees for autopsies. The Commissioner of Health would be delegated rulemaking authority over the provisions of this legislation.

HB 3612 by Representative Maddox was reviewed and referred to Calendar and Rules. Under this legislation, the State Board of Education would be required to develop a funding formula for non-BEP funding for technology, including the Internet. The State Board of Education would be responsible for promulgating rules in order to implement this legislation.

The committee reviewed and referred **HB 2989 by Representative Bone** to the Finance, Ways and Means Committee. This bill provides for a loan repayment plan for veterinary graduates from the University of Tennessee College of Veterinary Medicine. This program would allow a school loan to be forgiven if the graduate practices veterinary medicine on large animals in an underserved area. The University of Tennessee is authorized to promulgate rules to enforce the provisions of this bill.

HB 1231 by Representative Kelsey was reviewed and referred to the Health and Human Resources Committee. This legislation would require the Commissioner of Finance and Administration to request a waiver from the Centers of Medicare and Medicaid Services to establish a personal health account for TennCare enrollees in order for them to pay for health expenses. The Commissioner of Finance and Administration would be delegated rulemaking authority in order to carry out the provisions of this bill.

HB 4206 by Representative Yokley was reviewed and referred to Calendar and Rules. This administration bill would direct the Commissioner of Commerce and Insurance to promulgate rules for insurers of long term care. Specifically, these rules would include producing standards for insurance premiums, marketing practices and long term care producer education and testing.



Rep. Hardaway

The committee reviewed and referred **HB 2970 by Representative Hardaway** to the Finance, Ways and Means Committee. Under this bill, a pilot project would be created for noncustodial parent advocacy. The Administrative Office of the Courts is authorized to promulgate rules in order to implement the provisions of this bill. These rules

should particularly address the needs of unwed noncustodial parents' visitation rights.

The following sunset bill was sent to Calendar and Rules:

HB 2694 (Kernell) – State Building Commission

health & human resources

Judy Narramore

Chairman Armstrong gavelled the **Health & Human Resources Committee** to order on Tuesday morning, April 8, 2008, and Wednesday afternoon, April 9, 2008. After roll call and personal orders on Tuesday, the full committee stood in recess until Wednesday in order for the Public Health & Family Assistance Subcommittee to meet and consider its calendar.



Rep. Vaughn

Twenty-two bills and two House joint resolutions were on the full committee calendar and addendum Wednesday afternoon. **HB 3294 (Vaughn)** as amended that defines *adult emergency dental services*; includes emergency dental services for uninsured adults under the health care safety net; and, authorizes such services be provided to the extent funds are specifically appropriated by the general appropriations act was referred to FW&M. **HB 3295 (Vaughn)** as amended that requires the Commissioner of Health to develop a statewide strategy for the provision of adult emergency oral health care and report to the legislature by January 15, 2009, and requires rural and metro county health departments with existing dental staff and facilities to provide indigent children with comprehensive dental services and emergency dental services to indigent adults to the extent possible within budgetary limitations was referred to FW&M. **HB 3903 (Fitzhugh)** was rolled to the next calendar at the request of the sponsor. **HB 1633 (Tindell)** as amended that rewrites the bill to authorize the Commissioner of Health to appoint a department employee to coordinate with other state entities to ensure all programs that impact the prevention and treatment of diabetes are coordinated, with minimum duplication of efforts and maximum impact to attempt to reduce health consequences and complications of diabetes and to establish the Department of Health as the central repository for data related to the prevention

and treatment of diabetes was referred to C&R. **HB 3921 (Rinks)** as amended that requires each pharmacy participating in centralized prescription processing be licensed by the Board of Pharmacy was referred to Government Operations. **HB 2481 (McDonald)** as amended that requires all child care agencies to establish a drug testing policy for employees, directors, licensees, operators, and contract employees; requires drug testing based upon reasonable suspicion that such individuals are engaged in the use of illegal drugs; requires the individual being tested to pay for the drug test; and, requires child care agencies to maintain drug testing records for five years was referred to Government Operations. **HB 3110 (Hood)** as amended that requires all prescriptions written or printed to be written on tamper-resistant prescription paper that meets current Centers for Medicare and Medicaid Services Guidance to State Medicaid Directors and TennCare requirements for tamper-resistant prescription paper; prohibits a pharmacist from filling a prescription from a Tennessee provider unless issued on tamper-resistant prescription paper; and, exempts prescriptions written by veterinarians and prescriptions written for inpatients or incarcerated persons from the provisions of the legislation as amended was referred to Government Operations. **HB 3083 (McCord)** as amended that revises various provisions of the state's minimum health standards for rental premises; increases the maximum amount of weekly rental payments to qualify as a tenant (for purposes of filing a complaint) from \$50 to \$200; extends the period of time within which the building inspector or health department representative is required to inspect a building following the filing of a complaint from within 10 days to within 14 days; defines *third party complainant* to specify who would be authorized to file a third party complaint;



Rep. Hood

exempts monthly, or greater than monthly, rental agreements from the provisions of the legislation as amended; requires the Department of Health to report to the appropriate standing committees of the General Assembly the number of complaints received and investigations required by March 1, 2009; and, repeals the provisions of this act on July 1, 2009, and reenacts laws which were in effect on January 1, 2008, was referred to C&R. **HB 4047 (Towns)** was taken off notice at the request of the sponsor. **Rep. Richardson** rolled **HJR 1091** to the next calendar. **HB 3907 (Richardson)** that requires amendment of a birth certificate upon receipt of a sworn statement from a licensed medical professional indicating that the gender of a person has changed was amended 9-7-1 on a roll call vote to require birth certificates include new gender category options for “MTF” (male to female) and “FTM” (female to male) and then rolled at the request of Rep. Richardson for review of the amendment by the Department of Health’s Office of Vital Records. As committee time expired, Chairman Armstrong rolled the remaining bills on calendar to the next calendar: **HBs 2502, 3161, 3206, 3644, 3146, 3838, 2637, 4012, 4009, 4120, 1883, 3805, and HJR 1025.**

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** met during full committee time on Tuesday, April 8th and immediately prior to full committee on Wednesday afternoon, April 9th to consider nine bills on the final calendar. Tuesday morning, the subcommittee referred three bills to full committee, and Rep. Odom took **HB 4152** off notice. **HB 4151 (Odom)** creates a Class D felony offense for anyone who knowingly and willfully falsifies, conceals, or omits



Rep. Maggart

a material fact, makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any materially false writing or document related to the TennCare program. **HB 4144 (Ferguson, Odom, DeBerry, L.)** as amended enacts the “Long-Term Care Community Choices Act of 2008.” TennCare

representatives responded to questions and provided an overview of the latest administration amendment distributed and adopted today that rewrites HB 4144. **HB 0941 (Maggart)** as amended requires the Commission on Aging and Disability to develop, pursuant to funding in the general appropriations act, a three year pilot project through an Area Agency on Aging that would offer individuals and their families who require long-term supports and services the opportunities to direct their own services, and requires the Commission to report annually on the pilot project to the House and Senate health committees. Wednesday afternoon, the remaining bills on calendar, **HBs 1023, 1025, 3495, 3496, 3338,** were taken off notice. The Public Health & Family Assistance Subcommittee is now closed subject to the call of the chair.

The **Health Care Facilities Subcommittee** and **Professional Occupations Subcommittee** are closed subject to the call of the chairs.

The Full Judiciary Committee met to consider seventy bills. House Bill 3203 by Rep. Coleman was sent to Summer Study. House Bill 436 by Rep. DuBois was taken off notice. House Bill 3162 by Rep. S. Jones, as amended, was approved for passage and sent to Government Operations Committee. The bill, as amended, requires a school teacher, school official, or any other school personnel to verbally notify the parent or legal guardian of a child suspected to be a victim of child abuse or child sexual abuse while on school grounds or while the child was under the supervision of the school. Such notice must be made in coordination with the department of children's services to the parent or legal guardian within twenty-four (24) hours from the time such personnel report the abuse to the department, judge, or law enforcement. Once such notice is sent, all school information and records relevant to the alleged abuse shall be provided to the parent or legal guardian, editing out the identity of the person who made the report and any other person whose life or safety may be endangered by the disclosure.

The following is a list of bills approved for passage to Calendar & Rules:

HR 263 by Rep. Todd urges Congress to reauthorize forensic DNA grants.

HB 186 by Rep. Fincher increases from \$4,000 to \$8,000 the amount of medical expenses that constitute prima facie evidence that such expenses were reasonable and necessary. Requires that it be presumed that all charges for medical treatment by a license health care provider, hospital, pharmacist or other licensed health care entity are reasonable and customary charges for services. Such a presumption may be rebutted by a party challenging the reasonableness of charges with competent proof to the contrary.

HB 816 by Rep. Lollar increases from a Class B to a Class A misdemeanor the punishment for the offense of illegal possession or fraudulent use of a credit or debit card.

HB 2650 by Rep. Hackworth, as amended, creates the Tennessee Medical Malpractice Reporting Act.

HB 2661 by Rep. Hackworth, as amended, limits the liability of a volunteer crisis response team member who

participates in a crisis intervention for personal injuries or infliction of emotional distress caused by an act or omission by a crisis team member during the course of the crisis intervention.

HB 3199 by Rep. Coleman, as amended, clarifies fees for a continuance are to be collected at the conclusion of a case and such fees are not

discretionary. If multiple litigants request a continuance, the judge may assess these fees to one or more parties

HB 3506 by Rep. U. Jones, as amended, prohibits eligibility for a work release program by an offender who has one or more prior convictions for felonies committed against a person or property within the preceding 120 months. Any person serving a felony sentence based on a crime committed with a handgun or a crime committed as a sexual offense or previous sentence for such a crime shall be prohibited from applying for work release.

HB 3513 by Rep. U. Jones includes text messaging and facsimile transmissions in the Class A misdemeanor offense of harassment by electronic communication.

HB 3652 by Rep. Cooper authorizes the Office of District Attorney General to notify victims of crime of their rights by email.

HB 3735 by Rep. S. Jones, as amended, clarifies that to violate an order of protection or a restraining order the court has to have made specific findings of fact in the order of protection or restraining order that the person committed domestic abuse, sexual assault, or stalking.

HB 3850 by Rep. Montgomery, as amended, prohibits the disclosure of home telephone and personal cell phone numbers from the personnel records of any state, local,



Chairman Coleman

or other public employee. Also, residential information, including the street address, city, state and zip code of any state employee is to be treated as confidential. The residential street address for any county, municipal or other public employee is not to be disclosed. The distinction between the state employee and the county employee as it relates to the disclosure of residential information is made because there may be residency requirements for local government employees.

HB 3902 by Rep. Shaw, as amended, clarifies that a county can fund more than one program to assist victims, provided no such program may be funded unless the provider organization offers services to victims free of charge.

HB 4001 by Rep. U. Jones, as amended, strongly encourages every law enforcement agency to adopt a written policy prohibiting racial profiling on or before January 1, 2010.

HB 4098 by Rep. S. Jones corrects an internal cross-reference in the definition of child abuse.

HB 4110 by Rep. Harmon expands the list of aggravating circumstances for a sentence of death or life without parole to include the murder of a probation and parole officer.

HB 4111 by Rep. Fincher requires TBI to establish a fee schedule for fingerprint searches.

HB 4112 by Rep. Hardaway creates a Class A misdemeanor for knowingly or willingly reporting or causing, encouraging, aiding, or counseling another to make a false report of abuse, sexual abuse, neglect or the exploitation of an adult.

HB 4155 by Rep. Sontany authorizes an investigator of the TBI without a request from the District Attorney General to make a traffic stop in an emergency situation.

HB 4163 by Rep. Fincher, as amended, broadens the definition of critical stages of the criminal justice process for purposes of notifying victims under the victims' rights constitutional amendment to include any hearing on a motion to dismiss.

List of bills approved for passage to the Finance Committee:

HJR 808 by Rep. Coleman authorizes the General Assembly to increase the maximum fine amount that

may be assessed without a jury from fifty dollars to five hundred dollars.

HB 43 by Rep. H. Brooks, as

amended, requires a person sentenced to DUI to confinement in jail for not less than forty-eight (48) hours or more than eleven (11) months and twenty-nine (29) days, and as a condition of probation to remove litter from state route highways or state-aid highways for a period of twenty-four (24) hours. Each offender ordered to remove litter shall be required to wear a blaze orange or other color written on the back of the vest with the words "I am a drunk driver."

HB 957 by Rep. Maggart, as amended, requires resident sexual offenders to obtain and carry a driver license or photo identification card that identifies them to law enforcement as a convicted sex offender. Failure to carry such a card by these individuals is a Class E felony punishable by a fine of not less than two-hundred and fifty dollars (\$250).

HB 1722 by Rep. Rowland, as amended, increases the fine for a DUI conviction by two-hundred and fifty dollars (\$250) with half of the proceeds earmarked for county maintenance of buildings or jail facilities or hiring more law enforcement and the other half to go to the state general fund administered by the department of mental health and developmental disabilities.

HB 2143 by Rep. Sontany, as amended, increases the penalty for cock fighting from a Class A misdemeanor to a Class E felony. Also, the bill increases the penalty for being a spectator at an animal fight from a Class C misdemeanor to a Class A misdemeanor.

HB 2600 by Rep. Bass, as amended, increases from a Class A misdemeanor to a Class E felony the penalty for theft of property valued at five hundred dollars (\$500) or less for a fifth or subsequent violation.

HB 2604 by Rep. Hardaway increases the penalty for the offense of arson from a Class C felony to a Class B



Rep. H. Brooks

felony and sets a minimum period of incarceration for arson of a place of worship at ten (10) years and aggravated arson at fifteen (15) years.

HB 2646 by Rep. Pitts, as amended, adds criminal offenses including, but not limited to criminal battery by an authority figure, solicitation of a minor, exploitation of a minor by electronic means if the victim is less than thirteen years of age, aggravated rape of a child, statutory rape by an authority figure as they relate to treatment and evaluation under the Sex Offender Treatment Board.

HB 2733 by Rep. Coleman extends the reporting period established for the special committee created to study the administration of Tennessee's death penalty system until October 1, 2009.

HB 2743 by Rep. J. DeBerry broadens the Class E felony offense for a person to possess a handgun with a prior felony conviction. Currently, a person commits this Class E felony if he or she possesses a handgun and was convicted of a felony offense involving the use or attempted use of force, violence or a deadly weapon, or has been convicted of a felony drug offense.

HB 2844 by Rep. DuBois elevates the punishment for the killing of a law enforcement officer committed in the perpetration of or attempt to perpetrate any felony.

HB 2860 by Rep. Floyd, as amended, creates a presumption of a flight risk when bail is set for an illegal alien.

HB 2906 by Rep. S. Jones, as amended, prohibits a petitioner for an order of protection from being required to pay any filing fees, litigation costs or other costs associated with the petition if the petition is dismissed for failure to serve the respondent and the petitioner accurately provided any information known to petitioner requested by the clerk.

HB 3109 by Rep. Dunn, as amended, makes it an offense for any person to receive money for the purpose of obtaining or paying for services, labor, material or equipment and knowingly fails to apply such money for such a purpose by either failing to complete the improvements for which the funds were provided or knowingly failing to pay for such services. A violation of this constitutes an unfair or deceptive act or practice.

HB 3148 by Rep. J. DeBerry, as amended, adds additional offenses to what constitutes a dangerous felony to include criminal attempt, first degree murder,

second degree murder, aggravated assault, aggravated robbery, aggravated arson, and burglary.

HB 3406 by Rep. Buck, as amended, provides that a surety is not liable if a detainer request is refused or if the detaining authority releases the principal notwithstanding the filing of the detainer. The amendment requires the

bondsman or surety to present to a presiding court in a timely manner all documentation evidencing that the detainer was properly filed or refused, or that the detaining authority released the principal.

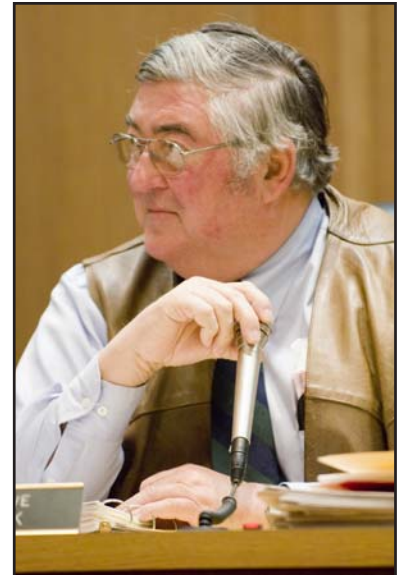
HB 3410 by Rep. Buck, as amended, requires fifteen dollars (\$15) of the handgun carry permit application fee to be allocated to the sheriff of the county where the applicant resides for the purpose of verifying the truthfulness of the applicant's answers on the application.

HB 3512 by Rep. U. Jones creates an additional fine of twenty-five dollars (\$25) for the offense of drag racing and earmarks it for the Traumatic Brain Injury Fund.

HB 3606 by Rep. Todd, as amended, authorizes the TBI, without a request from the district attorney general, to make investigations in connection with matters pertaining to fugitives, corruption of or misconduct by a public official, employees or prospective employees of the bureau, fraudulent conduct involving the social security administration, organized crime activities, victimization of children by means of a computer or other electronic device.

HB 3657 by Rep. J. DeBerry, as amended, provides that release eligibility for a person's first conviction for aggravated robbery shall occur after fifty percent (50%) of the sentence imposed is served less any credits earned and retained.

HB 3925 by Rep. Sontany, as amended, authorizes the treasurer to award an annual grant to the district



Rep. Buck

attorney general's conference for domestic violence and drug enforcement program operations in an amount not to exceed that specified in the general appropriations act each fiscal year.

HB 4107 by Rep. Bass establishes a procedure for converting unpaid probation and parole fees into a civil judgment. The board may retain an agent to collect or establish an in-house collection procedure to collect unpaid supervision fees. The agent may be paid no more than forty percent (40%) of sum collected as payment for service.

HB 4147 by Rep. Sontany imposes a hundred dollar (\$100) drug testing fee to be assessed upon conviction of the Tennessee Drug Control Act.

Bills rolled for one week:

HJR 809 by Rep. Coleman
HB 955 by Rep. Maggart
HB 2153 by Rep. Fincher
HB 2412 by Rep. Buck
HB 2465 by Rep. S. Jones
HB 2469 by Rep. S. Jones
HB 2473 by Rep. S. Jones
HB 2539 by Rep. Fincher
HB 2585 by Rep. Overbey
HB 2596 by Rep. Coleman
HB 2609 by Rep. Hardaway
HB 2834 by Rep. Shepard
HB 2918 by Rep. Maggart
HB 2967 by Rep. Hardaway
HB 3038 by Rep. Dunn
HB 3099 by Rep. Curtiss
HB 3244 by Rep. Kernell
HB 3628 by Rep. Fincher
HB 3650 by Rep. M. Turner
HB 3661 by Rep. Niceley
HB 3666 by Rep. Bass
HB 3718 by Rep. Gresham
HB 3719 by Rep. Gresham
HB 3765 by Rep. Overbey
HB 4197 by Rep. Fincher

Civil Practice & Procedure Subcommittee

The Civil Practice and Procedure Subcommittee had its last meeting to discuss thirty-two bills on its calendar. It is now closed subject to the call of the chair. House bill 3654 by Rep. DuBois was rolled to the last calendar.

The following house bills were approved for passage to the Full Judiciary Committee:

HB 721 by Rep. DuBois, as amended, expands municipal court jurisdiction to allow jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of the following state criminal statutes: offense of operating a motor vehicle without a valid driver's license; Class B misdemeanor of failing to yield the right-of-way in the presence of an emergency vehicle, police vehicle, recovery vehicle, or highway maintenance vehicle; or the offense of littering.

HB 1523 by Rep. Campfield, as amended, allows any person to petition the court to disestablish parentage of that person's legal child at any time unless the person legally adopted the child, entered into a voluntary acknowledgement of paternity of the child, or the person had actual knowledge that the child was not the person's biological child at the time a child support order was issued. It requires the court to enter an order disestablishing parentage pursuant to this section only if genetic testing has been administered and the petitioner is excluded as the biological father of the child.

HB 1684 by Rep. Briley, as amended, deals with the establishment of an advisory committee under the Drug Treatment Act, which review all program criteria established by office of criminal justice programs and advise the commissioner on the allocation of funds. It changes the membership of the committee from five to seven members and provides some requirements for a few of its members. Two members shall be judges who have presided over a drug court for at least two years and two of which shall be drug coordinators who've functioned as such for at least two years.



Rep. Briley

HB 2461 by Rep. Litz, as amended, when determining service credits for criminal investigators for district attorneys general, prior law enforcement experience

shall include full time employment with a law enforcement agency during which the employee performed duties typical of law enforcement personnel.

HB 2492 by Rep. Fincher requires a plaintiff's attorney to contact the bureau of TennCare before the entry of a judgment or settlement in a personal injury case. TennCare is responsible for determining any subrogation interest the state may have. The bureau is required to designate only one office for contact and must respond to the plaintiff's attorney in writing within thirty (30) days with any amount owed or any such claim is waived.

HB 2509 by Rep. Mumpower clarifies certain requirements relative to setting aside an easement or right of way for ingress and egress to landlocked land. It provides that a petitioner is not required to make the federal government a party defendant when the portion of land or property desired isn't owned by the federal government.

HB 2662 by Rep. Hackworth, as amended, establishes a confidentiality requirement for critical incident stress management team member, team leader or group participant providing or participating in a crisis intervention with a firefighter, EMT, law enforcement or rescue squad from divulging any information resulting from such crisis intervention. This confidentiality will not apply if the following occurs: the recipient of services expresses consent to divulge; an individual who received services testifies in which case the team member may testify; communication pertains to or is related to a criminal act or in response to a court order.

HB 2746 by Rep. Lundberg, as amended, expands the application of the Uniform Residential Landlord tenant Act to all counties with a population of more than 68,000 according to the 1970 federal census or any subsequent census.

HB 3305 by Rep. Lynn, as amended, requires certain trust, which name the secretary of state as an agent for service of process, to provide to the secretary of state a list of all trustees of such trust and any beneficiaries of such trust. The bill provides all trustees shall be responsible for maintaining a single set of true and accurate financial records of the trust and keep them for no less than three years.

HB 3763 by Rep. Overbey, as amended, creates the Tennessee Residential Mortgage Satisfaction Act of 2008.

HB 4010 by Rep. Armstrong requires a professional bondsman or surety agent to maintain a permanent business office, business telephone, and appropriate signage indicating that such office is a professional bail bond business.

HB 4053 by Rep. Rinks, as amended, creates a funded study commission to look into tort actions against long term care facilities and effects on the industry.

HB 4043 by Rep. Towns requires local governments to provide written notice by certified mail, return receipt requested, to property owners of record before the owner's property is seized.

HB 4076 by Rep. Hardaway, as amended, adds two members to the judicial selection commission of which one member is from a list of nominees submitted by the National Bar Association and one member from a list of nominees submitted by the Tennessee Lawyers' Association for Women.

Summer Study:

HB 4050 by Rep. Towns
HB 3796 by Rep. DuBois

Off Notice:

HB 2166 by Rep. Briley
HB 2721 by Rep. Fincher
HB 2222 by Rep. Maddox
HB 1359 by Rep. L. Turner
HB 127 by Rep. Bell
HB 560 by Rep. DuBois
HB 2933 by Rep. Kelsey
HB 889 by Rep. McCord
HB 970 by Rep. Overbey
HB 3415 by Rep. Sargent
HB 3365 by Rep. Todd
HB 3761 by Rep. Todd
HB 1108 by Rep. Buck

Failed Bills:

HB 4154 by Rep. Coleman
HB 4171 by Rep. Ferguson

Criminal Practice & Procedure Subcommittee

The Criminal Practice and Procedure Subcommittee is closed subject to the call of the chair.

state & local government

Lawrence Hall, Jr.

This week in State and Local Government full committee there were fifty bills on the calendar. Eleven bills were passed to Calendar and Rules and seven were passed to Finance, Ways and Means. The remaining bills were

rolled to later calendars or taken off notice.

Calendar and Rules:

-HB 3281 by Maddox – This bill authorizes retired highway patrol officers to work for local law enforcement agencies.

-HB 3980 by Maddox - Requires registry of election finance when making

a finding that a person converted funds to personal use to assess the person the amount the person converted to personal use in addition to other penalties allowed by law; allows registry to convert unpaid civil penalties into civil judgments.

-SJR 0535 by Herron – This bill expresses support for the Ecumenical Patriarchate in Turkey.

-HB 3702 by Floyd – This bill increases flexibility extended to municipalities to prescribe, by ordinance, which purchases require public advertising and competitive bidding and which purchases require competitive bidding, if possible, but no public advertising by increasing the dollar amount from \$10,000 to \$25,000.

-HB 1279 by Lynn - Requires state coordinator of elections to seek to enter agreements with other states for the purpose of comparing data to identify duplicate voter registrations.

-HB 2953 by Lynn – This bill imposes a duty upon certain county officials to take certain actions to ensure that idle county funds earn a competitive rate of return.

-HB 2544 by Brooks H - Allows the school boards of each county, municipal, and special school district to establish ethical standards used to govern their respective school district.

-HB 2717 by Johnson C - Requires each municipality and county to post its charter of incorporation on a Web site maintained by the municipality or county or, if none is so maintained, the charter is to be posted on the Web site maintained by the secretary of state.

-HB 2583 by Harmon – This bill extends select oversight committee on corrections for four years.

-SJR 0604 by Kurita - Encourages Tennessee parents to take their minor children with them to the voting booth on election day.

-HR 0271 by Tindell – This bill approves 2008-2009 501(c)(3) annual events by the house of representatives. - The Abstract summarizes HR0271 as introduced.

Finance, Ways and Means:

-HB 3064 by Johnson P - Requires local governments and law enforcement to cooperate with federal officials on immigration status of any person in the state and prohibits local governments from enacting sanctuary policies toward immigrants.

-HB 2948 by Lynn – This bill establishes criteria to be reviewed by the fiscal review committee and the government operations committees on all proposals concerning the licensure or certification of business professions or occupations seeking licensure or certification by the state.

-HB 0946 by Hood - This bill requires that counties housing felons, detainees, and persons whose probation has been revoked be reimbursed by the state at a minimum rate of \$50.00 per prisoner per day.

-HB 3159 by Jones S – This bill requires certain procedures for privatizing fire and related services.

-HJR 0793 by Jones S – This bill proposes an amendment to Article II, Section 28 of the Tennessee Constitution to authorize counties and municipalities to



Chairman Jones

adopt a resolution or ordinance to create a program of tax abatement for historic property.

-HB 3973 by Armstrong - Revises requirements concerning corporate powers and allocation of taxes.

-HB 3692 by Brooks K - Authorizes members of civil air patrol who are state employees to receive their regular compensation while participating in authorized training or emergency services.

State Government Subcommittee

This week in State Government subcommittee, the committee held its final meeting. Eight bills were passed to full committee. **HB 3631 by Rep. Kernell** and **HB 3299 by Rep.**



State Gov. Chair Moore

Vaughn were both referred to Local Government subcommittee to be considered next week.

Full Committee:

-HB 3637 by McDaniel - Makes various changes to the Open Meetings Law and to the Open Records Law; creates office of ombudsperson.

-HB 2796 by Overbey – This bill broadens charitable gaming by authorizing single location annual events to be operated in counties contiguous to county in which organization has a physical presence.

-HB 4205 by Odom – This bill increases membership of Tennessee state veterans' homes board from 10 to 13 members, authorizes appointment of non-veterans who have experience in health care, nursing home administration and related field, requires that a majority of board members be honorably discharged veterans.

-SJR 0687 by Kurita - Provides for voter election of the lieutenant governor and the secretary of state.

-HB 2788 by Cooper B – This bill directs the department of corrections in conjunction with department of personnel to study issue of education and employment

for persons convicted of non-violent criminal offenses; requires departments to report findings by March 1, 2009, to house and senate education committees.

-HB 2959 by DeBerry J – This bill mandates the department of correction to develop and implement a society plan for every incarcerated prisoner for reentry into society.

-HB 2963 by Hardaway - Establishes the Homeowner's Emergency Mortgage Assistance Fund and delays foreclosure actions under specific circumstances.

-HB 3789 by Moore – This bill establishes procedures for deducting from the amount bid on state building commission project the estimated energy cost savings attributable to bidder's design modifications and proposals.

Local Government Subcommittee

This week in Local Government subcommittee only one bill passed to full committee, **HB 3437 by Rep. Rinks**. This bill removes the obsolete provisions regarding municipal growth plans and annexation.

All other bills will be considered on next week's calendar except for **HB 3195** and **HB 2442**, both by **Rep. Hardaway**. The committee voted to study them over the summer. **Next week will be the subcommittee's final meeting.**

The **House Transportation Committee** convened April 8, 2008 to consider twenty-five bills.



HB3900 (Bone) and **HB1039** (C. Cobb) were taken off notice.

HB3996 (Ferguson), **HB4080** (Ferguson), **HB2768** (Hardaway), **HJR1055** (Pinion), **HB3259** (Pinion) and **HJR1078** were deferred for one week.

HB2656 (Hackworth) was referred to summer study.

HB2731 (Roach) authorizes issuance of Appalachian quilt trail new specialty earmarked license plates. The bill allocates 50 percent of funds derived from sale thereof to the Clinch-Powell resource conservation and development council for the Appalachian quilt trail development initiative. It was passed by the committee and will be placed in the **Omnibus License Plate Bill**.

The following bills was passed by the committee and referred to the **Calendar and Rules Committee**:

HB2434 (Odom) – Requires that all nonprofit organizations for which new specialty earmarked license plates are issued on or after July 1, 2008, be certified for nonprofit status by the secretary of state prior to such plates' initial issuance and that any plate authorized for an organization that is not certified is deemed obsolete and invalid. An amendment was adopted that added the following requirements for any nonprofit organization receiving proceeds from the sale a new specialty license plate on or after July 1, 2008:

- The nonprofit is to meet all statutory requirements and IRS regulations for nonprofit corporations.
- The nonprofit is to submit an annual accounting of all specialty license plate funds received by January 1 of each year following initial issuance to the comptroller.
- The comptroller may audit any nonprofit that receives specialty license plate funds to ensure the funds are being used according to statute. The cost of the audit is charged to the nonprofit.
- A nonprofit shall return any specialty license plate funds which a comptroller's audit finds have been used in violation of statute, with the attorney general authorized to institute legal proceedings if necessary.

HB2590 (Richardson) – Requires any business with a permanent location that is open to the public to provide specially marked parking spaces for the exclusive use of disabled persons. This bill requires a specific number of specially marked parking spaces based on a sliding scale. A business with one to 25 parking spaces would be required to have one specially marked parking space, while a business with 401 or more parking spaces would be required to have nine specially marked parking spaces. This bill also requires one or more of the specially marked parking spaces to be van accessible if the business has at least four specially marked parking spaces. The bill would only apply to parking spaced constructed after that date. An amendment was adopted to correct the required width of the van accessible parking spaces from 9 feet to 8 feet.

HB3923 (Coley) – Authorizes motor vehicles used in driver education and training courses to use amber lights in the front and rear of such motor vehicles. An amendment was adopted by the committee that requires that the lights not be in the line of sight of the driver.

The following bills were referred to the **Finance, Ways and Means Committee**:

HB4194 (Odom) – As amended, makes the following various changes in the Department of Revenue relative to motor vehicles:

- Deletes provision authorizing owners of dismantled vehicles to return certificates of



Rep. Odom

registration and license plates to county clerks for refunds.

- Authorizes the Department of Revenue (DOR) to illustrate less than ten specialty earmarked license plates in promotional materials included as part of registration renewals.
- Requires emergency medical personnel not affiliated with local rescue squads to present current

emergency medical license prior to receiving specialty emergency license plates under certain circumstances.

- Authorizes parents or legal guardians of disabled individuals to apply for and receive disabled license plates and disabled parking placards under certain circumstances.
- Makes multiple changes regarding motor vehicle registrations of proportionally registered fleets.
- Authorizes the Department of Revenue to contract with any business entity that maintains a fleet of 200 or more motor vehicles to allow such business entity to provide any specific service, or all services, normally performed by the Department or by a county clerk relative to the titling and the registration of otherwise qualified motor vehicles within the business entity's fleet of motor vehicles, and establishes rules for entering into such contracts.

HJR1027 (Rinks) – Names and designates “Commissioner Glenn Maness Memorial Bridge” on State Route 225 in McNairy County. An amendment was adopted to require McNairy County to pay for the signs.

HJR1054 (Favors) – “The Impressions Highway” highway signs on a segment of I-24 in Hamilton County.

SJR675 (Shepard) – “Ben Hooper Petty Bridge” highway signs on a bridge spanning Garner’s Creek on State Route 48 in Hickman County. An amendment was adopted to require Hickman County to pay for the signs.

HJR1065 (Windle) – “Corporal Brad McCormick Memorial Parkway” highway signs on a segment of State Route 111 in Overton County

HJR1066 (Windle) – “Lance Corporal Jeremiah Savage Memorial Parkway” highway signs on a segment of State Route 111 in Overton County.

HJR1090 (Windle) – “Tommy Kilby Highway” highway signs on a segment of State Route 299.

HB1656 (Casada) – As amended, allows the Department of Transportation to issue a “temporary trailer permit” to a trailer that is not subject to registration in Tennessee, used on Tennessee roads for no more than five days, and where it appears the proposed operation is actually temporary in nature. The fee for issuance is \$5.50.

HB2916 (West) – Requires the Department of Safety, upon issuing a driver license, to provide a statement that lets the holder certify his status as an intended anatomical gift recipient.

HJR1076 (Ford) – “James Lesley Isenberg Memorial Bridge” highway signs on a bridge spanning Cedar Creek on State Route 75 in Washington County.

HB1543 (Pinion) – As amended, requires all motor vehicle registration tax revenue, except for portions earmarked for the Police Pay Supplement Fund, and fee revenue derived from the issuance of temporary operator permits be apportioned to the Highway Fund. The bill also requires all gasoline tax revenue which is currently apportioned to the General Fund be reapportioned to the Highway Fund. The bill also requires all interest earnings of the Highway Fund to remain part of the Highway Fund instead of reverting to the General Fund.

HB2865 (Pinion) – As amended, the 2008 Omnibus License Plate Bill. The bill establishes the following new special license plates:

- National Rifle Association
- Tennessee State Guard
- U.S. Coast Guard Auxiliary
- Share the Road
- Appalachian Trail Conservancy
- Autism Awareness
- Tennessee Urban Forest Council.
- Appalachian Bear Rescue
- Gold Star Family
- Mitochondrial Disorder

- Mothers Against Methamphetamine (MAMA)
- Veterans of Foreign Wars
- Military Family Assistance
- Tennessee Association of Realtors
- Tennessee Performing Arts Center (TPAC)
- Masons Motorcycle Plate
- Bryan College
- Tennessee Emergency Medical Services Education Association
- Ford Foundation
- Tennessee Councils of the Boy Scouts of America
- Appalachian Quilt Trail

The bill also extends the signup deadline for one year for the following special license plates:

- Trout Unlimited
- 101st Airborne
- Sandhill Crane
- Civil War Preservation
- Nashville Predators

The bill also makes various changes to several special license plates. The bill redistributes funds from sale of Masons license plates, and directs all funds produced from the sale of the Masons license plates, minus the state's expenses in designing and manufacturing the plates, to the Masonic Widows' and Orphans' Home of Tennessee Fund. The bill revises the name of "Women Veterans of America" plates to "Tennessee Woman Veteran" plates. The bill authorizes surgical personnel that are on-call to receive emergency license plates upon payment of all applicable fees for such license plates. The bill also authorizes the sale of Purple Heart license plates to holders of the Purple Heart after the holder has



TDOT Commissioner Nicely

received two Memorial Purple Heart Plates. Also, the bill redistributes funds from sale of Eagle Foundation license plates to changes the allocation to the Eagle Foundation from 50% to 65% of all funds produced from the sale of the Eagle Foundation license plates, with the Arts Commission allocation changed

from 40% to 25%, and the remaining 10% still going to the Highway Fund.

Following the completion of the calendar, the Tennessee Department of Transportation gave a presentation on **SmartFix40**. SmartFix40 is the closing, beginning May 1, of a section of Interstate 40 in downtown Knoxville that will accelerate the completion of road construction there.

Public Safety & Rural Roads Subcommittee

The Public Safety & Rural Roads Subcommittee is closed subject to the call of the chair.

Public Transportation & Highways Subcommittee

The Public Transportation & Highways Subcommittee is closed subject to the call of the chair.

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